CITY OF TRINIDAD TRINIDAD, COLORADO

DECEMBER 18, 2012

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, December 18, 2012 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:

Mayor

Baca Gonzalez, presiding

Councilmembers

Bolton, Bonato, Mattie, Miles, Shew, Velasquez

Also present:

Acting City Manager

Acre Downs

City Attorney City Clerk

Garrett

Mayor Baca Gonzalez requested those present take a moment to rise and give pause to remember the 26 victims of the Sandy Hook Elementary School killing in Newtown, Connecticut.

The pledge of allegiance was recited.

READING OF THE MINUTES. Special and Regular Meeting of December 4, 2012 and Special Meeting of December 11, 2012. A motion to approve the minutes as presented was made by Councilmember Shew and seconded by Councilmember Velasquez. The motion carried by a unanimous roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

PUBLIC HEARING. Consideration of an ordinance amending the zone classification of property described as Lot 2, Block 96 of the Original Townsite to the City of Trinidad, Las Animas County, State of Colorado, from Established-Low Density Residential (E-LDR) zoning to Established-Community Commercial (E-CC) zoning (as requested by Maude Romano, 516 E. Main Street). Mayor Baca Gonzalez reminded that this was discussed at the work session on November 27, 2012. She declared the public hearing open. Maude Romano addressed Council. She identified herself as owner of the Downtown Motel (the subject property), and said she appreciated Council working with them to rezone their property appropriately. Mayor Baca Gonzalez confirmed the absence of any further public comment and closed the hearing.

First reading of an ordinance amending the zone classification of property described as Lot 2, Block 96 of the Original Townsite to the City of Trinidad, Las Animas County, State of Colorado, from Established-Low Density Residential (E-LDR) zoning to Established-Community Commercial (E-CC) zoning, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Miles and read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing on Wednesday, January 2, 2013, at 7:00 p.m. was made by Councilmember Bolton. The motion was seconded by Councilmember Shew, and carried unanimously upon roll call vote.

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION OF PROPERTY DESCRIBED AS LOT 2, BLOCK 96 OF THE ORIGINAL TOWNSITE TO THE CITY OF TRINIDAD, LAS ANIMAS COUNTY, STATE OF COLORADO, FROM ESTABLISHED-LOW DENSITY RESIDENTIAL (E-LDR) ZONING TO ESTABLISHED-COMMUNITY COMMERCIAL (E-CC) ZONING

REPORT BY CITY MANAGER. Financial reports. Acting City Manager Acre drew Council's attention to a memo and financial report for period ending October, 2012, at Council's seating places from finance consultant Rose Blatnik. He pointed to the General Fund which showed a decrease of 0.5% under where we were at this time in 2011. The resulting decrease is about \$18,559 and net decrease for the total period is about \$311,682. He said it is hoped that November and December sees an increase. The Power & Light, Water and Gas Funds were all positive and the Sewer Fund was not surprisingly negative. The Lottery, Tourism and Capital Projects Funds all did well. The Tourism Fund however is getting low in its fund balance but is still okay. He concluded that he'd work with the City's consultant to address any questions.

Security. Acting City Manager Acre alerted City Council that regarding the recent shootings in Connecticut, the Police Chief has been meeting with officials from the School District. The Chief asked him to pass along to Council that they will be doing everything possible to prevent local tragedy and make sure the schools are secure. They are also increasing patrols and police presence. Councilmember Mattie confirmed that the School Resource Officer is still in place at the schools.

Finance Director Position. Acting City Manager Acre told Council that the Finance Director recruitment efforts closed last week. Ten applications were received. He opined that there are three or four that are worth taking a look at, but only one that he felt through his review had the qualifications he would seek. That individual has a lot of local government/municipal finance experience. He suggested a couple of options – either another recruitment or proceed with interviews of the ten applicants to try to find the right fit. He said that if they wanted to conduct another recruitment he would target applicants through the Government Finance Officers' Association, CML, ICMA and the Innovation Group which is tied to ICMA, advertise for two weeks and then interview mid-January. Acting City Manager Acre told Council that Rose Blatnik has said that she will help through year-end, so that would work timing-wise with a January or February time frame. He added that Ron Miller had suggested that the City might need to bump the salary up to \$60,000 to \$70,000. He said the concern is that the salary offered is resulting in the City not getting a good applicant pool. He said he would also let the current applicants know where the City is with applications so we don't lose them. Acting City Manager Acre told Council

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the position had been posted at \$55,000 per year and in speaking to his former finance director the feeling was that the salary may not be attracting the applicants the City is seeking. Councilmember Mattie asked if the City is looking for a CPA. Acting City Manager Acre answered that is correct, but with GASB 34 municipal government finance rules and regulation knowledge. He reiterated that only one of the current applicants mentioned that knowledge on their resume. Council concurred that the position should be re-opened for two weeks and within the target recruitment areas that Acting City Manager Acre suggested with the salary posted at \$60,000 and negotiable. Councilmember Bonato asked if they are certain Rose Blatnik will stay on until the position is filled. Acting City Manager Acre said he spoke with her last Friday and she is willing to stay on until someone is retained.

Meetings. Acting City Manager Acre reported that he has begun meeting with City Council members individually and will continue with a couple more this week and the remainder next week. He said they have been very beneficial to him. In January he said he is planning on a retreat whereby they can have more discussions. He told Council that he has scheduled a staff meeting this Thursday and he has been trying to meet with key department heads before Christmas. He added that he met the Library staff today. Acting City Manager Acre said he is formulating a plan to meet with businesses and is thinking about bringing the businesses to City Hall for a morning coffee to see if it will work as a group to get feedback. Mayor Baca Gonzalez thanked Acting City Manager Acre for his outreach to City Council and his communication to the employees.

REPORT BY CITY ATTORNEY. City Attorney Downs called to Council's attention a legal memorandum at their seating places that he authored regarding Home Rule Charter matters. He explained that there have been assertions made that Section 6-3 of the Charter was violated by having a number of individuals as Acting City Managers. He pointed out that the term 'acting city manager' is not the preferred title by those professionals, but it is how the Charter references that position. He continued that the City Charter states that no person shall be Acting City Manager for more than 180 days. It doesn't say that there can't be another person appointed after one person has served in that capacity. Ed Gil de Rubio was fired on May 1, 2012. Since that time the City has had three individuals who have occupied the position of Acting City Manager - Jerod Beatty, Ralph Gagliardi, and currently Tom Acre. None of those people were in the position for more than 180 days. Therefore the Charter has not been violated. Anyone can serve up to 180 days. There is no rule that says the City can't have another Acting City Manager after one person serves in that capacity. He concluded that Tami Tanoue of CIRSA agrees on his legal opinion, that there is no violation of the Charter. Furthermore, the first paragraph of each of the Acting City Manager contracts stipulates that this contract expires after 180 days. By the very terms of the contract, the Charter can't be violated. Mayor Baca Gonzalez noted that there had recently been a letter to the editor and an article in the newspapers about whether the Charter had been violated. She thanked City Attorney Downs for the clarification and for seeking further clarification from Tami Tanoue who is recognized as an expert in municipal law in Colorado. Councilmember Mattie recommended it be made available to the members of the media. Council concurred.

COMMITTEE REPORTS. Report from E911 Authority Board. Las Animas County Sheriff Jim Casias, Chairman of the E911 Authority Board, addressed Council. He advised that the Board began in 1992 and there have been various members throughout, however he and Police Chief Glorioso mutually agree that it is for the betterment of the community that they serve and not about them, rather it is about all of them. Currently they are continuing work on the mapping system. Trinidad has not had problems with mapping; however the County has and has been trying to work on it. They had a mapper however she has left. They are in the process of hiring another mapper so they can get service to all locations in Las Animas County in the least amount of time. They are working hard to get that in place. Councilmember Mattie asked how much of the rural project is left to be done. Sheriff Casias said the Board will hear an update soon from the current mapper who will then turn over everything. He said it has been a huge problem, pointing out that the County has 170 developments and the developers assigned their own street names and addresses and the County doesn't have a precise addressing system in place. He concluded that E911 hopes to help the County out with their mapping and get a good addressing system.

Report from Tourism Board. Pat Patrick, Chairman of the Tourism Board, addressed Council. He reminded Council that he will be providing a detailed annual report to them in February. He said they currently have a good, hard-working, energetic, healthy board. They have a full complement of members but Council will need to be looking to prepare people to step up. There have been a lot of people in the community who have served; the logical ones have done it. He suggested that when Council asks a person to serve they suggest that person attend a few meetings to see how the board functions and learns the role of the board per the ordinance with oversight of tourism tax dollars and the selection of a marketing entity. He said that is one thing he'd like Council to do. Mr. Patrick said he has been on the board a long time and he loves it, but it is not healthy for him to stay in the chair position that long. He noted that he should start to groom someone to take over those responsibilities, but no one has really stepped up just yet. Mr. Patrick named the board members, Cheryl Clark and Scott Candland, representing the restaurant industry, Steven Kelly from Economic Development and Lou Girodo, Colorado Welcome Center volunteer. He said there is a good cross-section on the Tourism Board and those board members also serve on other boards as well. Mr. Patrick told Council that a key person needed on the Tourism Board is someone to represent the lodging industry. That person would provide them with valuable information, especially if they are affiliated with a national chain because they would get national trend data. He continued that the board holds two meetings per month, so volunteers would commit to about six to eight hours per month with preparation time. Mr. Patrick reported that the board has been providing a number of letters of support for grants, for example the trails grant and creative district grant. Also, their QR poster program has wrapped up, the posters and video program. The beauty of them is that they can be edited and changed to fit our community. The board funded a little money to get some fall and winter raw footage for inclusion in a future promotion. He told Council that the report received from Planning Director Fineberg indicated that they may get phase I of the way-finding signs project done and some signs up for this tourism season. Mr. Patrick reminded that the wayfinding signage project planning was funded by the Tourism Board and phase 2 is in next year's budget in the amount of \$35,000. The Tourism Board has also volunteered to fund on an as-needed basis the replacement of the flags in the Flag Project on the river walk. The Tourism Board helped with some of the initial funding. The board has asked that more durable flags be found. He said the Tourism Board granted over \$60,000 to various organizations this year, however that won't be the case next year. It was part of the windfall realized in a past year so the Tourism Board shared it with organizations, such as the museums and SCRT. He further advised that they have selected Hess Arts as their marketing firm for 2013. This is a renewal. They will use the company, Certified Folder, next year as well. That is the company who provides literature racks to end users at no cost for distribution of brochures in some 500 locations up and down the front

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range. They have voted on approval of print ad placement, with the major one being done in the Colorado Vacation Guide. Their web page has their brochures as well. He said they Board tries to advertise with groups that also have a web presence. The Tourism Board produces the monthly e-newsletter through historic rinidad.com. The Tourism website is currently being maintained and the calendar is probably the most up-to-date. He also reported to Council on the trolley and trailer repairs made this year totaling about \$2,100. The board underwrote the trolley and tourism trailer for the holiday season and the Chamber of Commerce implemented it. Mr. Patrick said that he met with Rose Blatnik to review the expenses and revenues to-date. Through the end of November the board had \$165,000 in expenditures resulting in a cash balance of \$45,500 through the end of the year. They are comfortable, but they will have no more revenue until January 15th. He said he'd be meeting with Rose Blatnik between Christmas and the new year to fine tune the tourism budget. Third quarter came in fairly low, as expected. He said he hesitated to compare it to third quarter 2011 because that was the windfall period where it was the highest it had ever been. The average quarter revenue from the tourism tax is about \$55,000 over the eleven year period that the tourism tax has been in effect. Third quarter, 2012, came in at \$52,692. They will begin to make budget adjustments. He reiterated that grants are not likely next year and there are other places they will trim, however ad and promotion of the community will stay pretty much intact. He said he will also be meeting with Acting City Manager Acre to give him a presentation from the board and he intends to work with him closely and deal with those financial issues for next year. Councilmember Miles asked what last year's third quarter yielded. Councilmember Patrick said third quarter, 2011, yielded \$75,473 and in 2010 third quarter yielded \$61,259. There were a number of theories why they were high to include railroad re-routing that had taken place due to flooding that occurred in the east and the baseball program that we had here. He reiterated the need from someone from the lodging industry to be on the board that would be able to provide more information to them. Mayor Baca Gonzalez thanked Mr. Patrick for his time and service. Mr. Patrick said the board could do a better job if they get input at their meetings. Often they only hear what they are not doing. He confirmed that Council received a copy of the new map and envelope in their packets.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2013 and ending December 31, 2013; said ordinance being termed the annual appropriation bill for the 2013 fiscal year. Mayor Baca Gonzalez declared the public hearing open. She reminded that the first reading was held on December 4, 2012 and called for public, staff or Council comment. There being no comments or questions from anyone present, the Mayor declared the hearing closed.

Second reading of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2013 and ending December 31, 2013; said ordinance being termed the annual appropriation bill for the 2013 fiscal year. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton. The motion was seconded by Councilmember Mattie and carried unanimously upon roll call vote. The ordinance was approved and will become effective on December 28, 2012.

ORDINANCE NO. 1933

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY OUT OF THE REVENUES OF THE CITY OF TRINIDAD, COLORADO, TO DEFRAY AND MEET THE LIABILITIES OF THE CITY OF TRINIDAD FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2013; SAID ORDINANCE BEING TERMED THE ANNUAL APPROPRIATION BILL FOR THE 2013 FISCAL YEAR

MISCELLANEOUS BUSINESS. Club liquor license renewal request by BPO Elks Trinidad Lodge #181 at 120 S. Maple Street. Mayor Baca Gonzalez asked if a representative was present. Wanda Sola, Treasurer of the lodge, addressed Council. Councilmember Shew asked if the fire issues identified by the Fire Department had been addressed. Ms. Sola answered that all of them have been. Councilmember Miles noticed that the City Clerk sent a memo to John Martinez at the Health Department who indicated the Elks have never had a license through his office. She asked if that is typical for this type of license. City Clerk Garrett answered that it is. A motion to approve the license renewal was made by Councilmember Shew and the motion was seconded by Councilmember Bolton. Upon roll call vote the motion carried unanimously.

Hotel and restaurant liquor license renewal request by Mission at the Bell, Inc. d/b/a Mission at the Bell Restaurant at 134 W. Main Street, Ste. 14. Mayor Baca Gonzalez ascertained that no representative was present. Councilmember Miles asked about the exit lights not being installed, commenting that it is not a minor concern. She suggested that if the license is renewed it be subject to that matter being addressed. Councilmember Bonato asked if it is possible that Council require a representative be present. City Clerk Garrett advised that the Code does require a representative to be present. A motion to table the renewal request to January 2, 2013 was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote. Mayor Baca Gonzalez asked City Attorney Downs to advise the licensee that this matter was tabled to January 2, 2013 for him to be present.

Retail liquor store license renewal request by Johnny M. & Elizabeth A. Jameson d/b/a Drop City Liquor at 155 Elm Street. John Jameson, co-owner of Drop City Liquor, addressed Council. He said he has been in business for one year and would like to see more of them. Councilmember Miles complimented them on having a clean inspection report from all inspectors. A motion to approve the license renewal was made by Councilmember Mattie. The motion was seconded by Councilmember Shew and carried unanimously upon roll call vote.

Retail liquor store license renewal request by Linda T. Anderson Barron d/b/a Mountain Liquor & General Store at 1144 Robinson Avenue. Linda Barron presented herself on behalf of the renewal request. A motion to approve the license renewal was made by Councilmember Shew. Councilmember Bolton seconded the motion. Councilmember Bonato commented that her inspections were likewise satisfactory. Ms. Barron told Council that she has been here for 27 years and next June it will be 28 years and that she loves Trinidad. Ms. Barron was thanked by Council for her service to the community and to the veterans. Roll call was taken and the motion carried unanimously.

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Appointment to the Tree Board. Mayor Baca Gonzalez noted the presence of Robert Compton, the applicant. She welcomed him and thanked him for volunteering to serve on this board. Mr. Compton said he thought this to be a unique board and that it would be interesting. Councilmember Bolton made a motion to appoint Robert Compton. The motion was seconded by Councilmember Mattie and upon roll call vote carried unanimously.

Resolution re-authorizing the application of the power cost adjustment invoked pursuant to Ordinance No. 1909 and Resolution No. 1377 to rates for electric service, power and energy in accordance with Section 12-27(7) of the Code of the City of Trinidad, Colorado, for a period commencing on January 1, 2013 and ending on January 31, 2013 or on the effective date of the new energy rates, whichever is earlier. Acting City Manager Acre told Council that this is necessary because the City is waiting on the final numbers from its consultant. Staff recommends Council approve the resolution which will give the extension necessary to keep rates where they are right now until the new rates take effect. He said the rates are anticipated at the first of the year and the first and second reading of the ordinance to effectuate them should be accomplished by the end of January. Councilmember Bolton made a motion to adopt the resolution and the motion was seconded by Councilmember Shew. Upon roll call vote the motion carried unanimously.

RESOLUTION NO. 1406

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, REAUTHORIZING THE APPLICATION OF THE POWER COST ADJUSTMENT INVOKED PURSUANT TO ORDINANCE NO. 1909 AND RESOLUTION NO. 1377 TO RATES FOR ELECTRIC SERVICE, POWER AND ENERGY IN ACCORDANCE WITH SECTION 12-27(7) OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR A PERIOD COMMENCING ON JANUARY 1, 2013 AND ENDING ON JANUARY 31, 2013 OR ON THE EFFECTIVE DATE OF THE NEW ENERGY RATES, WHICHEVER IS EARLIER

BILLS. A motion to approve payment of the bills as presented was made by Councilmember Shew. The motion was seconded by Councilmember Bolton. Roll call was taken on the motion to approve the bills and it carried unanimously.

PAYROLL, December 8, 2012 through December 21, 2012. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Shew. The motion carried unanimously.

Acting City Manager Acre reminded that there would be no work session held next week and that the City is closed on Christmas Eve and Christmas Day and also on New Year's Eve and New Year's Day. Mayor Baca Gonzalez announced that the First Annual City Hall Holiday Celebration will take place in Council Chambers on Thursday, December 20th from 3:30 p.m. to 6:00 p.m. It would be an opportunity for people to meet and greet Acting City Manager Tom Acre.

ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Bolton and seconded by Councilmember Shew. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:	BERNADETTE BACA GONZALEZ,
	Mayor

AUDRA GARRETT, City Clerk